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DER GEDANKE DER INTERNATIONALEN ORGANISATION IN SEINER ENTWICKELUNG, 1300-1800. By JACOB TER MEULEN. The Hague, NIJHOFF. 1917. pp. xi, 397.

DAS VÖLKERRECHT NACH DEM KRIEGE. By HEINRICH LAMMASCH. Publications de l'Institut Nobel norvegien. Vol. III. pp. 218.

Dr. ter Meulen, writing, as do many Dutch scholars, in German, gives us an interesting and useful review of the development of "the idea of international organization" from the beginning of the 14th century to the end of the 18th. Although the chief purpose of all the schemes he examines was to diminish the frequency of warfare, the author is concerned with pacifist literature only in so far as it has included plans for subjecting the conduct of single states to some sort of international control. It is for this reason that William Penn's "Peace of Europe" is examined, while the writings of many other pacifists are ignored.

The author makes no claim that his study is complete, even for the five centuries to which it is limited. On pages vii and viii he mentions several plans, some existing only in manuscript, which he has been unable to examine. His book, however, is more nearly complete than any heretofore published on the subject.

The greater part of the volume (pp. 101-339) is devoted to the single plans in their chronological order. Dr. ter Meulen gives us all necessary information about each author and a summary of his suggestions, with liberal citations from the original texts. For the 14th and 15th centuries we have but two plans, that of Pierre Dubois (1306) and that of George von Podebrad, Hussite king of Bohemia (1463). The 16th century yields three plans, of which the most important is that of Pope Leo X; the 17th century five, of which the most celebrated is Sully's, attributed by him to Henry IV. Of the thirty plans examined, twenty fall in the philosophic and cosmopolitan 18th century.

The analysis of the single plans is preceded by an introduction of 100 pages, in which the author reviews the development of "the international idea," noting the conditions prevailing in each epoch so far as is necessary to enable the reader to follow the movement of European theory. In spite of the failure of every attempt to maintain European unity through imperialism, in spite of the growth of local independence and the gradual development of national states, the medieval idea that all Christendom, or at least all western Christendom, was to be regarded as a single body politic, did not lose its hold on men's minds until the ecclesiastical unity of western Europe was destroyed by the Protestant Reformation. In the later middle ages, and even after the Reformation, consciousness of community of interests was kept alive mainly by the menace of Mohammedan expansion. In modern times, in spite of the fact that commercial competition has tended to breed international hostility, the chief incentive to promote peace by the better organization of the civilized world has come from the growing importance and intimacy of commercial

relations; and there has been an increasing appreciation of the common interests, not of Christendom only, but of all civilized peoples.

The last part of the book is devoted to a comparison of the more important features of the various plans. In all the earlier plans it was, of course, only between Christian peoples that peace was to reign. Until the end of the 16th century, all schemes of European organization included joint action against the Mohammedans; and even in the 18th century a plan formulated by the Livonian Baron von Lilienfeld included a carefully elaborated project for a general crusade against the Turks (p. 270). Emeric Crucé (1643) was the first to propose that the Turkish Empire should be admitted to the society of nations. His scheme, however, ran far beyond the organization of Europe; he advocated a world federation which should include Persia, China, and other Asiatic states, and some at least of the native kingdoms in Africa. Most later writers, even those inclined to concede representation to Turkey, contemplated nothing more extensive than a league of European states.

Kant, as is well known, was of the opinion that no league of states could be trusted to maintain peace, unless all its members enjoyed "republican" government—by which he meant constitutional government, with a representative legislative body.

It was recognized from the outset that the only method of securing international peace was to provide for the settlement of disputes either by mediation or by arbitration. Arbitration of course implies an agreement or understanding that the arbitral decision is to terminate the controversy. Of our modern distinction between the adjustment of non-justiciable disputes by compromise and the decision of justiciable controversies by investigating the facts and finding the rule of law applicable to the situation—of this distinction there is little if any trace in these old schemes and discussions. Even today this distinction is seldom drawn, except in English-speaking countries. On the continent of Europe, arbitration is generally taken to include both processes. In most of the plans, arbitration, in this sense, was to be obligatory.

Churchmen, such as Erasmus and Pope Leo X, and many of the earlier lay writers, wished to vest arbitral authority in the Pope, or in the Pope and the cardinals. In the earliest of the schemes, that of Pierre Dubois (1306), we find an interesting anticipation of the plan adopted in our time, at the Hague. A general council of prelates and princes was to establish a panel of wise, skilled, and trustworthy men, from which each party to a dispute should select six judges, three clerics, and three laymen. These, if they chose, might call in assessors, skilled in the divine, the canon, and the civil law. From this court, however, Dubois proposed to permit appeal to be taken to the Pope, who might amend the judgment (pp. 105, 106). In later plans, the clerical element disappears. Of later writers, some suggested a permanent arbitral board; for example, a permanent conference of ambassadors in a single city. Others preferred to refer controversies to the general council of the league or federation. An anonymous French plan, published in 1782, proposed that the arbitral

tribunal should consist of commissioners named by the four great continental powers, Austria, France, Spain, and Prussia. The judgments of this tribunal, however, were to be submitted for confirmation to each of these powers (pp. 272, 273).

On the vital question: How states involved in a dispute were to be induced to accept arbitration and to abide by an arbitral decree, there was naturally a wide difference of opinion. Many of the writers felt obliged to trust to the good faith of the high contracting parties and to the moral authority of the arbitral judgment. Some suggested that all the princes concerned should confirm by oath their agreement to refrain from war. Many writers, however, advocated, as a last resort, the use of joint military force against a recalcitrant state or perjured prince. Lilienfeld set up a series of coercive measures: (1) Serious admonitions; (2) Interruption of diplomatic relations; (3) Deposition of the offending prince and proclamation of his successor; (4) Joint military intervention.

For the distribution of votes in international congresses or councils, there were of course divergent plans. Sully (1635) proposed to give greater representation to the Pope, the Emperor, and certain kings. William Penn (1692) suggested that the votes of each state should be in proportion to its annual revenue. Another Quaker, John Bellers (1710), proposed to base representation on the area of each state. St. Pierre, at about the same time, advocated the standard of population.

In a concluding section (pp. 356-362), the author notes the reaction, in the 19th century, against the cosmopolitan and idealistic tendencies of the 18th, the rapid exaggeration of the nationalistic idea, and the development of the theory of the irresponsibility of the national state.

In our time, these reactionary tendencies have been most strongly supported, and have been carried most unhesitatingly to their ultimate logical consequences, by German writers. These tendencies, however, have found no more consistent and energetic opponent than the Austrian jurist, Heinrich Lammasch. Prominent, before the great war, in all international peace movements, Professor Lammasch clearly indicated, in articles published during the earlier months of the war, his antagonism to the policies pursued by the Central Empires. In the volume under review, written in 1916, he develops more fully and presents more systematically the valuable suggestions contained in those articles for the development of international law and for the maintenance of international peace.

He begins by denying the pessimistic assertion that international law has disappeared during the great war. The law of peace has in no wise been affected; the authority of the laws of war has been expressly or implicitly recognized even by those nations that have most grossly violated them, sometimes by denying their breaches of law, more often by seeking to palliate their actions (pp. 128-129). They have been prompt to accuse their adversaries of similar illegalities, and have sought to justify their own conduct by invoking the right of retaliation or by pleading military necessity. Professor Lammasch

maintains that the right of retaliation greatly needs definition and limitation, along the lines suggested by Martens and Jomini in 1874, and that an unlimited right of retaliation and the exception of cases of military necessity virtually nullify all usages and agreements that tend to mitigate the horrors of war. He believes, however, that the best security against the policy of "frightfulness" is to be found in an increasing recognition of the fact that inhumanity and barbarism do not pay. He suggests, however, that this recognition would be accelerated if, after the end of a war, neutrals should base their attitude to the powers involved in the war on the degree of respect shown by each belligerent, not merely to the special rights of neutrals, but also to the rules of warfare (p. 23).

The author insists on the necessity of strict observance of treaties, and rejects the doctrine that all international agreements are made subject to the tacit condition, "*rebus sic stantibus*." He draws a legitimate distinction between executory and executed treaties; insisting, in particular, that a treaty by which a defeated state cedes territory implies no obligation to refrain in future from efforts to recover such territory (pp. 160-162). He also denies the permanent obligation of treaties of alliance. Here he admits the tacit condition, "*rebus sic stantibus*." For all other executory treaties, the rule is "*pacta sunt servanda*" (pp. 162-172).

In the last chapter of his book, the author develops his plan for the preservation of international peace. It is clearly his belief that, in the world of today and of the near future, warfare cannot be wholly eliminated. It is his expressed belief, however, that in many if not in most cases, war may be averted by delaying its outbreak. This may be most efficiently accomplished by mediation. All nations uniting in a league to maintain peace are to agree not to resort to war without submitting their case either to arbitration or to mediation. The one new organ to be established by such a league is a permanent council of international conciliation. For the adjustment of any pending controversy, a commission of five is to be selected by the parties from this council. This commission is to investigate and report within six months, unless the parties agree to an extension of time. The recommendations of the commission may be rejected by either party, but there shall be no resort to war until another month has passed. If any member of the league shall violate these agreements, all the other members are bound to take the following steps: (1) To denounce any existing treaty of alliance with the offending state; (2) To forbid their citizens to give any sort of aid to this state; (3) To permit their citizens to give any aid they please to the other belligerent; (4) To demand from the offending state full compensation for all damage suffered by the neutral states or by their citizens in consequence of the war.

It will be noted that the second of these penalties closely resembles the general boycott which is to be instituted, according to the provisional covenant recently adopted at Paris, against any member of the League of Nations which resorts to war without previously submitting its grievances to arbitration or mediation. As the author

explains, his plan provides for an embargo upon all trade with the offending state. It permits the other belligerent to draw from the territories of the law-abiding states all manner of supplies, including munitions of war, and to float loans in these states. It excludes the offending state from all these privileges. It binds the law-abiding states to prohibit the voluntary enlistment of their citizens in the military service of the offending state and to authorize such enlistment in the forces of the other belligerent. A provision for joint military action by these states, as such, against the offending state is regarded by Professor Lammasch as undesirable.

In the plans for the maintenance of peace formulated prior to 1800, there appears to be no suggestion that war be checked by the threat of economic discrimination. The reviewer is not sufficiently familiar with the literature of international organization since 1800 to know when or by whom the economic sanction of peace was first suggested. Professor Lammasch is in any case entitled to the credit of a careful and detailed elaboration of this sanction.

His book is dedicated to President Nicholas Murray Butler, "teacher of the international way of thinking."

Munroe Smith.

THE PRINCIPLES OF AMERICAN DIPLOMACY. By JOHN BASSETT MOORE. New York: HARPER & BROTHERS. 1918. pp. xv, 477.

It seems peculiarly fitting that an authoritative work on the subject of American diplomacy should be included in Harper's Citizens Series, which is designed to meet the increasing needs of colleges and of intelligent citizens for texts on the most immediate subjects of our times. The book under review is not a mere digest of diplomatic documents nor is it a source book. It is a summary, in the author's own clear and readable style, of all the essential or important incidents in the international relations of the United States.

As in a great novel with a purpose, one cannot read this interesting narrative of our diplomatic history without gaining a clearer insight into the fundamental principles by which our diplomacy has been governed, and without being moved by its strong appeal to our Americanism. The plan of the work is topical rather than merely chronological. Chapters are devoted to "The System of Neutrality," "Freedom of the Seas," "Fisheries Questions," "Non-Intervention and the Monroe Doctrine," "The Doctrine of Expatriation," "International Arbitration," "The Territorial Expansion of the United States," and "Pan Americanism." Each chapter is in itself a complete exposition, not merely of the pertinent events in chronological order, but also of the motives, the thoughts, and the purposes by which these events were inspired. A very full and satisfactory account is given of our recent diplomatic difficulties with Japan and Mexico and of the violations of our international rights committed by Germany and Austria. In some of the topics, notably when discussing Mexico, the author appears to write with some restraint. But this is more apparent than real, because it is the author's evident